IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 20103 of 1994

Between:

A.GANGADHAR GOUD S/o Dharma Goud,
Occ: business, R/o H.No.1-3-149/2, Sastri Nagar,
Nirmal, Adilabad District

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its
Secretary, Roads & Buildings (National Highway),
Secretariat Buildings, Hyderabad.
2 The Chief Engineer(R & B),
National Highways, Hyderabad.
3 The Superintendent Engineer, Roads & Buildings,
National Highways, Hyderabad.
4 The Executive Engineer, Roads & Buildings,
National Highways Division, Perkit, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, declaring the inaction of the respondents in handing over the possession of the bridge constructed over the Kadem River at 237 K.M National Highway 7, Near Kupti Village, with regard to collection of toll fee on the vehicles that pass through the said bridge as arbitrary, illegal, unfair and unjust or in the alternative direct the respondents to refund the entire amount deposited with interest at the rate of 24% per annum from the dates of the respective deposits till the refund of the amount.

For the Petitioner: MR. M. RAVINDRANATH REDDY, Advocate
For the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

This writ petition has been filed, seeking to declare the inaction of the respondents in confirming the contract in favour of the petitioner, with regard to collection of toll fee on the vehicles that pass through the bridge constructed over the Kadem River at 237 K.M. National Highway-7, near Kupti village, in pursuance of the auction held on 14-07-1994, as illegal and unjust, or in the alternative to direct the respondents to refund the entire amount deposited by the petitioner, along with interest at 24% per annum.

According to the petitioner, in the auction conducted by the fourth respondent on 14-07-1994, for the right to collect toll fee on the vehicles that pass through the bridge in question, for the period from 01-04-1994 to 31-03-1996, he became the highest bidder for an amount of Rs.73,80,000/-. Though he complied with all the auction conditions and made deposits in pursuance thereof, and in spite of making several requests and also issuing a notice, dated 27-10-1994, to finalise the bid in his favour, the respondents did not take any action in the matter nor alternatively did they refund the amounts deposited by him. Assailing the action of the respondents, he filed the present writ petition.

The fourth respondent filed counter-affidavit. It is stated that the bid knocked down in favour of the petitioner for an amount of Rs.73.80 lakhs was cancelled by the Government vide Memo No.969/F.II-2/94-6, dated 28-11-1994 and the same was informed to the petitioner through a telegram, dated 30-11-1994, and the petitioner was requested to take return of the deposits made by him. Since the petitioner did not turn up to take the deposits, the fourth respondent, by special messenger under letter dated 7-12-1994, sent the deposits i.e. E.M.D. amount of Rs.8,73,000/-, security deposit for one month rent of Rs.3,07,500/-, bank guarantee for Rs.17.40 lakhs and income tax clearance certificate, to the petitioner, who acknowledged the

receipt thereof on 9-12-1994. It is also stated that the petitioner did not challenge the cancellation order and the same has become final. Thus, he prays to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

It is represented by the learned Government Pleaded for Transport and admitted to by the learned counsel for the petitioner that the entire amount deposited by the petitioner was refunded to him, and accordingly, the alternative relief claimed in this petition was complied with, and no further orders are necessary.

Therefore, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 20-09-2004

Svv

To

1. The Secretary, Government of Andhra Pradesh, Roads & Buildings (National Highway), Secretariat Buildings, Hyderabad.
2. The chief Engineer(R & B), National High Ways, Hyderabad.
3. The Superintendent Engineer, Roads & Buildings, National Highway, Hyderabad.
4. The Executive Engineer, Road & Buildings, National High Ways Division, Perkit, Nizamabad.

5. Two CCs. to Government Pleader for Transport, High Court Buildings, A.P., Hyderabad (OUT).

6. Two CD copies.